

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA
SOUTHWESTERN DIVISION**

Land O'Lakes, Inc.,)	
)	
Plaintiff,)	ORDER GRANTING MOTION
)	FOR SUMMARY JUDGMENT
vs.)	
)	
Falkirk Farmers Elevator Co.,)	
)	Case No. 1:12-cv-085
Defendant.)	

Before the court is plaintiff's motion for summary judgment. Defendant has failed to timely respond.

Under D.N.D. Civ. L. R. 7.1(F), the failure to file a timely response "may be deemed an admission that the motion is well taken." In this case, given the circumstances, the court concludes that defendant's failure to respond is an admission that the motion is meritorious.

In addition, the court has reviewed plaintiff's motion and supporting information. Based on this review, the court concludes there is a basis for imposing liability upon defendant for the reasons set forth in plaintiff's motion as well as for concluding that the amount owed defendant by plaintiff as of the date set forth below is \$515,171.72, which includes interest on past due principals amounts at the contract rate.

Based on the foregoing, plaintiff's motion for summary judgment (Docket No. 14) is **GRANTED** and it is hereby **ORDERED** that judgment be entered against defendant and in favor of plaintiff for the total sum of \$515,171.72.

Dated this 16th day of October, 2012.

/s/ Charles S. Miller, Jr.
Charles S. Miller, Jr.
United States Magistrate Judge